

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION,
This Document Relates to: ALL CASES

Master Case No. CV09-037 MJP

**DEFENDANTS' UNOPPOSED
MOTION FOR LEAVE TO FILE
OVER-LENGTH MOTION TO
EXCLUDE THE PROFFERED
EXPERT TESTIMONY OF CHARLES
D. COWAN AND IRA HOLT**

NOTE ON MOTION CALENDAR:
April 23, 2012

*Defendants' Unopposed Motion for Leave to File Over-
Length Motion to Exclude the Proffered Expert
Testimony of Charles D. Cowan and Ira Holt
(CV09-037 MJP)*

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Pursuant to Local Civil Rule 7(f), Defendants WaMu Asset Acceptance Corporation, WaMu Capital Corporation, David Beck, Diane Novak, Richard Careaga and Rolland Jurgens (collectively, “Defendants”) respectfully request that the Court grant them leave to file a single motion to exclude the proffered expert testimony of Dr. Charles D. Cowan and Mr. Ira Holt not to exceed 18 pages in length.

On March 2, 2012, Dr. Cowan and Mr. Holt each submitted an expert report on behalf of the Plaintiffs in this matter. (Declaration of J. Wesley Earnhardt in Support of Defendants’ Unopposed Motion for Leave to File Over-Length Motion to Exclude the Proffered Expert Testimony of Charles D. Cowan and Ira Holt, dated April 23, 2012 (“Earnhardt Decl.”) ¶ 2.) Defendants intend to move on April 26, 2012, to exclude the proffered testimony of both Dr. Cowan and Mr. Holt. For the following reasons, Defendants request leave to file a single, 18-page motion addressing both experts:

First, based on Local Rule 7(e)(4)’s 12-page limit for nondispositive motions, Defendants would be permitted to file two separate 12-page motions to exclude the proffered testimony of Dr. Cowan and Mr. Holt. However, because Dr. Cowan’s and Mr. Holt’s opinions are interrelated, and in the interests of judicial economy, Defendants seek permission to file a single, 18-page motion to exclude the testimony of both proffered experts. A single, 18-page motion will enable Defendants to present their arguments to the Court in the most efficient, complete and concise manner.

Second, although the methodological errors committed by the proposed experts are fundamental, demonstrating those errors requires Defendants to both (i) summarize Dr. Cowan’s and Mr. Holt’s methodologies in some detail and (ii) demonstrate the reasons why each step of both experts’ methodologies was flawed.

Defendants believe that 18 pages will allow them to present their arguments fully and succinctly for the Court's consideration.

Plaintiffs' counsel have indicated that they consent to Defendants' request to file an over-length motion. (Earnhardt Decl. ¶ 4.)

For the foregoing reasons, Defendants respectfully request that the Court grant them leave to file a single, over-length motion to exclude the proffered expert testimony of Dr. Charles D. Cowan and Mr. Ira Holt not to exceed 18 pages.

DATED this 23rd day of April, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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